

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

U.S.A. vs. Jamaal Ontay Staten

Docket No. 4:05-CR-16-1H

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jamaal Ontay Staten, who, upon an earlier plea of guilty to Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on November 8, 2005, to the custody of the Bureau of Prisons for a term of 57 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Jamaal Ontay Staten was released from custody on June 23, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Staten failed to participate in urinalysis testing on multiple occasions between November 2010, and January 2011. A urinalysis provided on January 13, 2011, tested positive for marijuana. The defendant has been referred to First Step Services for substance abuse treatment and will be monitored closely for any future drug use. A term of home detention, not to exceed 60 days, is recommended as a sanction for the above-noted noncompliance.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

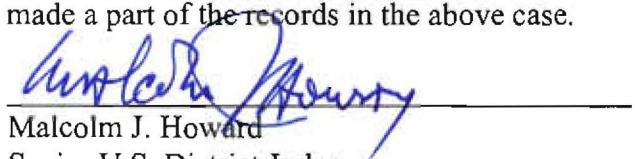
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 19, 2011

ORDER OF COURT

Considered and ordered this 19th day of January, 2011, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge